

## **REMARKS**

**[0003]** Applicant respectfully requests reconsideration and allowance of all of the claims of the application. Claims 1-39 are presently pending. Claims amended herein are 1, 20, 25, and 39. Claims withdrawn or cancelled herein are none. New claims added herein are none.

### **Statement of Substance of Interview**

**[0004]** The Examiner graciously talked with me—the undersigned representative for the Applicant—on June 6, 2007. Applicant greatly appreciates the Examiner's willingness to talk. Such willingness is invaluable to both of us in our common goal of an expedited prosecution of this patent application.

**[0005]** During the interview, I discussed how the claims differed from the cited art, namely U.S. Patent No. 7,039,953 to Black et al. (Hereinafter "Black") and U.S. Patent Publication No. 2002/0174340 to Dick et al. (Hereinafter "Dick"). Without conceding the propriety of the rejections and in the interest of expediting prosecution, I also proposed several possible clarifying amendments.

**[0006]** The Examiner was receptive to the proposals, and I understood the Examiner to indicate that the proposed clarifying claim amendments appeared to distinguish over the cited art of record. For example, the Examiner indicated that clarification regarding each message having a first and second piece describing transfer information and the operation being performed in the message distinguished the independent claims over the cited art, namely Black and Dick. However, the Examiner indicated that he would need to review the cited art more

carefully and/or do another search, and requested that the proposed amendments be presented in writing.

**[0007]** Applicant herein amends the claims in the manner discussed during the interview. Accordingly, Applicant submits that the pending claims are allowable over the cited art of record for at least the reasons discussed during the interview.

### **Formal Request for an Interview**

**[0008]** If the Examiner's reply to this communication is anything other than allowance of all pending claims, then I formally request an interview with the Examiner. I encourage the Examiner to call me—the undersigned representative for the Applicant—so that we can talk about this matter so as to resolve any outstanding issues quickly and efficiently over the phone.

**[0009]** Please contact me or my assistant to schedule a date and time for a telephone interview that is most convenient for both of us. While email works great for us, I welcome your call to either of us as well. Our contact information may be found on the last page of this response.

### **Claim Amendments and Additions**

**[0010]** Without conceding the propriety of the rejections herein and in the interest of expediting prosecution, Applicant amends claims 1, 20, 25 and 39 herein.

## **Formal Matters**

**[0011]** This section addresses any formal matters (e.g., objections) raised by the Examiner.

### **Specification**

**[0012]** The Examiner objects to the paragraph beginning at page 3, line 3, of the specification for informalities. Herein, Applicant amends these paragraphs, as shown above, to correct the informalities noted by the Examiner.

### **Drawings**

**[0013]** The Examiner objects to Fig. 6 for containing reference number 6010. Herewith, Applicant submits replacement drawings to correct the informalities noted by the Examiner.

### **Claims**

**[0014]** The Examiner objects to claim 25 for referring to itself. Herein, Applicant amends these claims, as shown above, to correct the informalities noted by the Examiner.

## **Substantive Matters**

### **Claim Rejections under §§ 102 and/or 103**

**[0015]** Claims 1-3, 8-10, 12-22, 27-29 and 31-39 have been rejected under 35 U.S.C. § 102(e) as being anticipated by Black. Claims 4-7, 11, 23-26 and 30 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Black in view of Dick. In light of the amendments presented herein and the decisions/agreements reached during the above-discussed Examiner interview, Applicant submits that these rejections are moot. Accordingly, Applicant asks the Examiner to withdraw these rejections.

### **Differences**

#### **The Application**

**[0016]** The present application generally relates to methods for extracting information about a message passing environment, compiling them into message sequences, and then analyzing the message sequences to gain information.

#### **The Black Reference**

**[0017]** Black provides a method and apparatus for presenting data about security related events in a concise form. Black abstracts events into a set data type, with sets having common elements grouped together. Set groups having a severity exceeding a threshold value is then designated situations. These set groups and situations are then propagated to a hierarchical level of correlation servers where they are aggregated to form higher level set-groups and situations.

## The Dick Reference

**[0018]** Dick discloses a method for auditing a message in a message stream and a system for implementing such a method. A number of messages with at least one of the messages in Extensible Mark-up Language (XML) format are captured in a message stream. The XML formatted messages are then extracted from the captured messages and a time stamp is applied to them. Each time stamped message is then stored in a memory.

## **With Reference to 35 U.S.C. §§ 102(e) and 103(a)**

**[0019]** Independent claim 1 has been amended to include the following element:

**1. (Original)** A method for investigating messages passed in a message-passing environment, comprising:

collecting a plurality of messages from at least one participant in the message-passing environment, **wherein each message has a first piece describing transfer information and a second piece describing an operation being performed in the message;**

assembling the messages into at least one message sequence;

analyzing said at least one message sequence **from the message-passing environment** to extract information regarding **[the message-passing environment] at least the one participant in the message-passing environment;** and

outputting the information.

**[0020]** The combination of Black and Dick does not disclose that the message claimed includes two pieces, wherein the first piece of the message includes and describes transfer information and the second piece of the message includes a listing of the operation being performed in the message. Black describes the message as representing a triplet containing elements depicted, namely the source computer 502, target computer 504 and the event category 506. (See Column 5, lines 45-46). Event category 56 represents the general type of event that has occurred, including web server events, e-mail event, Trojan horse, denial of service, virus, network event, authentication failures, and access violations. (See Column 5, line 48-54). These event categories are not operations.

**[0021]** The event categories of Black describe an analysis of what is occurring between the source computer 502 and the target computer 504. The event categories are not the same as an operation. As such, amended claim 1 would be distinguishable over black.

**[0022]** Independent claims 20 and 39 have been amended to include similar elements as that of amended claim 1. As such, these claims are allowable for similar reasons as discussed above.

### **Dependent Claims 2-19 and 21-38**

**[0023]** These claims ultimately depend upon the independent claims. As discussed above, the independent claims are allowable. It is axiomatic that any dependent claim which depends from an allowable base claim is also allowable. Additionally, some or all of these claims may also be allowable for additional independent reasons.

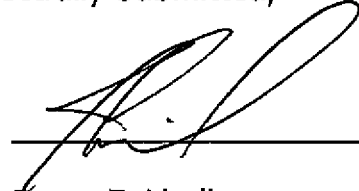
## **Conclusion**

[0024] All pending claims are in condition for allowance. Applicant respectfully requests reconsideration and prompt issuance of the application. If any issues remain that prevent issuance of this application, the **Examiner is urged to contact me before issuing a subsequent Action.** Please call/email me or my assistant at your convenience.

Respectfully Submitted,

Dated: 2007.06.26

By: \_\_\_\_\_

  
Jason F. Lindh  
Reg. No. 59,090  
(509) 324-9256 x215  
jason@leehayes.com  
[www.leehayes.com](http://www.leehayes.com)

My Assistant: Carly Bokarica  
(509) 324-9256 x264  
[carly@leehayes.com](mailto:carly@leehayes.com)